

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

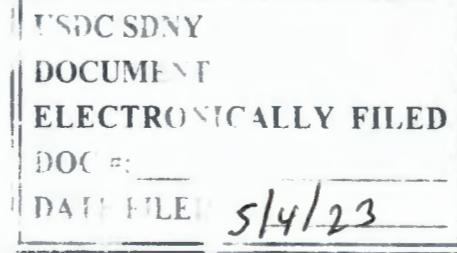
NATIONAL CREDIT UNION ADMINISTRATIVE BOARD, as liquidating agent of U.S. Central Federal Credit Union, Western Corporate Federal Credit Union, and Southwest Corporate Federal Credit Union,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.



Case No. 18-cv-11366 (LLS)

FIFTH MODIFIED SCHEDULING ORDER

1. **Loan Re-Underwriting Disclosures.** Plaintiffs made an initial disclosure of loans that they intend to re-underwrite on May 1, 2023. Plaintiffs shall make any additional disclosure of loans that they intend to re-underwrite by October 31, 2023. U.S. Bank shall identify the loans it intends to re-underwrite (other than for rebutting Plaintiffs' re-underwriting), if any, in two disclosures: (1) an initial disclosure no later than May 31, 2023; and (2) a second disclosure not later than November 15, 2023. Neither Plaintiffs nor U.S. Bank are required to provide a second disclosure if they have not identified any additional loans for re-underwriting.
2. **Expert Reports.** Each party shall serve its opening expert reports by December 15, 2023; and each party shall serve its rebuttal expert reports by July 15, 2024.
3. **Expert Depositions.** All expert depositions must be completed by September 13, 2024.
4. **Daubert Motions and Summary Judgment Motions.** Any party that wishes to file a *Daubert* or summary-judgment motion shall file a pre-motion letter by September 30,

2024 requesting permission to file such motion or motions. U.S. Bank anticipates that it is possible it will seek permission to file a summary-judgment motion on certain issues following expert discovery, such as, for example, Plaintiffs' failure to have proven damages. Plaintiffs do not at this time anticipate filing another summary-judgment motion, and they plan to object to U.S. Bank's filing of another summary-judgment motion. To the extent the Court grants permission to file *Daubert* or summary-judgment motions, opening *Daubert* or summary-judgment motions shall be due 60 days after the date that the Court grants a request to file such a motion. Opposition briefs shall be due 60 days after opening briefs, and reply briefs shall be due 30 days after opposition briefs.

5. **Pre-Trial Schedule.** The parties shall submit a pre-trial order and trial briefs contemplated by the Court's Individual Practices within either: (i) 120 days from the close of expert discovery, if no party seeks leave to file a motion for summary judgment; or (ii) 90 days of an order from the Court either denying permission to file a summary-judgment motion, or, if the Court allows a summary-judgment motion, issuing its decision on the summary-judgment motion.

IT IS SO ORDERED

DATE: May 4, 2023

Louis L. Stanton
The Honorable Louis L. Stanton
United States District Judge